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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
Jodi Pliszka,	:
	:
Plaintiff,	:
	:
v.	:
	:
Atlantic Recording Corporation and	:
	:
Melissa Arnette "Missy" Elliott,	:
	:
Defendants :	:
-----X	

Civil Action No.:

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Jodi Pliszka, by her attorneys, bring this complaint against
defendants, Atlantic Recording Corporation and Melissa Arnette "Missy" Elliott,
for violation of section 995.50, Wis. Stats.:

PARTIES

1. Plaintiff, Jodi Pliszka is an individual with a primary residence in the state of Wisconsin.

2. Defendant Atlantic Recording Corporation is a New York corporation with its principal place of business at 1633 Broadway, New York, New York.

3. Defendant, Melissa Arnette “Missy” Elliott is an individual with a primary residence in Palm Beach County, Florida.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction under the provisions of Title 28 U.S.C. § 1332(a) because this action involves citizens of different states and the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs.

5. This Court has personal jurisdiction over defendant Atlantic Recording Corporation because it is a New York corporation with a principal place of business within the state. In addition, a substantial part of the events giving rise to this action have occurred and continue to occur in this judicial district.

6. This Court has personal jurisdiction over defendant Missy Elliott because she is a party to a contractual relationship with Atlantic Recording and the conduct giving rise to the claim asserted by plaintiff Pliszka was engaged in by the defendants pursuant to that contractual relationship.

7. Venue is proper in this judicial district pursuant to Title 28 U.S.C. §§ 1391(b)(2) or (3) because either a substantial part of the events giving rise to the claim occurred in this judicial district or because defendant Atlantic Recording resides in this District for purposes of venue.

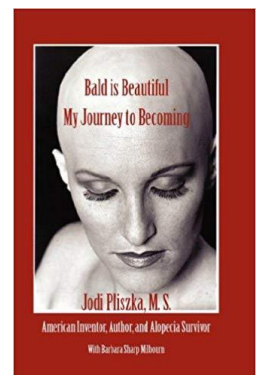
DEFENDANTS' VIOLATION OF SECTION 995.50, WIS. STATS.

8. Ms. Pliszka was diagnosed with alopecia universalis in her teens, and has been an advocate for alopecia awareness for nearly thirty years.

9. Ms. Pliszka's experience led her to invent a lightweight, disposable liner for wigs or headwear to absorb perspiration, market the product under the HEADLINE IT!® trademark, and obtain two patents.

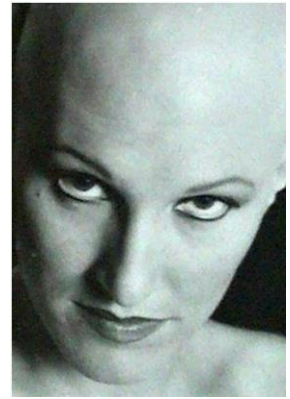
10. With the HEADLINE IT! Product, Ms. Pliszka was a finalist on ABC's American Inventor television series. Ms. Pliszka has also told her story of being diagnosed with and learning to live with alopecia on Lifetime TV's Health Corner, as well as NBC, Fox, CBS and ABC news, and has been featured in Forbes and Entrepreneur magazines.

11. Ms. Pliszka has written an autobiography entitled *Bald Is Beautiful – My Journey to Becoming*, and two children's books—*Bella & Gizmo's Adventures*. The cover of *Bald Is Beautiful* with a photograph of Ms. Pliszka is pictured to the right.



12. Ms. Pliszka is, among other things, provides services as a motivational speaker and a life coach.

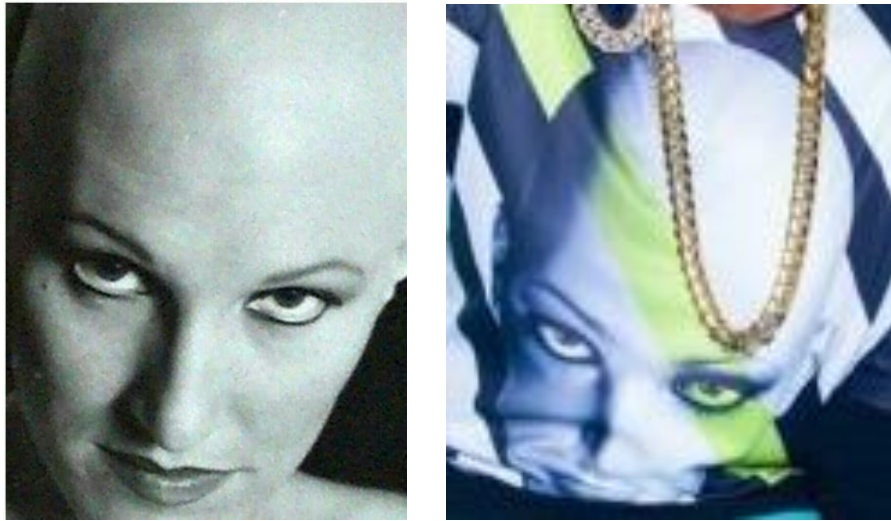
13. Ms. Pliszka did a modeling photo shoot a number of years ago that resulted in multiple photographs of her, including the photo pictured to the right.



14. Defendants have used the photo image of Ms. Pliszka on various materials, including versions of the album cover for defendant Miss Elliott's single "Pep Rally," some of which uses are pictured below.



15. The comparison below shows the image of Ms. Pliszka adjacent an enlarged portion of the “*Pep Rally*” artwork.



15. Defendants have used the image of Ms. Pliszka for advertising purposes or for purposes of trade without having first obtained the written consent of Ms. Pliszka.

16. Ms. Pliszka has been damaged and defendants have benefited by the unauthorized use of Ms. Pliszka’s image without her consent.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiff Jodi Pliszka prays for relief against Defendants as follows:

(1) That the Court enter judgment that the defendants have violated § 995.50, Wis. Stats., by the use of Ms. Pliszka’s image for advertising purposes or for purposes of trade without having first obtained her written consent;

(2) That the Court award to Ms. Pliszka the damages she sustained or the profits derived by defendants as a consequence of the unauthorized use of her image in connection with the release and promotion of “*Pep Rally*,” whichever is greater.

(3) That the Court award to Ms. Pliszka her reasonable attorney’s fees and the costs of this action.

(4) That the Court permanently enjoin and restrain defendants, their officers, directors, agents, employees and all persons in active concert or participation with defendants who receive actual notice of the injunction, by personal service or otherwise, from the use of Ms. Pliszka’s image for advertising purposes or for purposes of trade.

(5) That the Court grant Plaintiff such other further relief as is just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all triable issues of fact.

February 6, 2019

s/Adam L. Brookman
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